

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4767 of 2025

Arising Out of PS. Case No.-503 Year-2025 Thana- FATEHPUR District- Gaya

Nitish Kumar Son of Shivnanan Das @ Shiv Nandan Ravidas Resident of
Village - Fatehpur, P.S.- Fatehpur, District - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Anita Devi Wife of Raju Ram Resident of Village - Fatehpur, P.S.- Fatehpur,
District - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ashok Kumar, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, SPP
For the Informant	:	Mr. Amarnath Jha, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 12-03-2026 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel for
the informant. Perused the case diary.

2. The instant appeal has been filed by the appellant
against the order dated 08.10.2025 passed by learned Exclusive
Court of Special Judge, SC/ST, Gaya whereby the prayer for
bail of the appellant in connection with Fatehpur P.S. Case No.
503 of 2025 under Sections 103(1), 61(2), 3(5) of the Bharatiya
Nyaya Sanhita, Section 27 of the Arms Act and Section 3(2)(v)
of SC/ST Act was rejected.

3. The prosecution case, in short, is that appellant
along with other co-accused persons killed the informant's son.



4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Learned counsel further submitted that general and omnibus allegation has been made against the petitioner and the specific allegation is against co-accused Shubham Kumar @ Gungun Kumar. He further contended that the petitioner is only the member of mob. Learned counsel for the appellant further submitted that the appellant and the informant are *gotiya* and the appellant has not taken the caste name of the informant in public view, hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. Learned counsel further submitted that charge-sheet has already been submitted in this case. The appellant is in custody since 10.07.2025 and has no criminal antecedent.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant, stating that although there is no direct allegation against the appellant but upon perusal of the case diary it appears that appellant is involved in criminal conspiracy.

6. Considering the aforesaid facts and circumstances of the case, no direct allegation against the appellant and the



period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 08.10.2025 passed by learned Exclusive Court of Special Judge, SC/ST, Gaya in connection with Fatehpur P.S. Case No. 503 of 2025 is hereby set aside.

7. Let the appellant, abovenamed, be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Fatehpur P.S. Case No. 503 of 2025.

(Rudra Prakash Mishra, J)

Alok Verma/-

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